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I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Box CPA, Commissioner for Patents, Washington, DC 20231, on the date below:

[Signature]

Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerard F. Barry *et al.*

Serial No.: 09/464,099

Filed: October 10, 2001

For: GLYPHOSATE-TOLERANT 5-
ENOLPYRUVYLSHIKIMATE-3-
PHOSPHATE SYNTHASES

Prior Group Art Unit: 1644

Prior Examiner: G. Ewoldt

Atty. Dkt. No.: 11899.0175.DVUS01
(MOBT:175-2/WAA)

REQUEST FOR FILING CONTINUED PROSECUTION
APPLICATION (CPA) UNDER 37 C.F.R. § 1.53(d)

BOX CPA
The Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a continued prosecution application (CPA) under Rule 53 (37 CFR § 1.53(d)) of copending prior application Serial No. 09/464,099, filed on December 16, 1999, entitled "GLYPHOSATE-TOLERANT 5-ENOLPYRUVYLSHIKIMATE-3-PHOSPHATE SYNTHASES."

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as

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01 FC:131 740.00 CH
02 FC:102 84.00 CHREQUEST FOR FILING CPA
BASED ON U.S. SERIAL NO. 09/464,099

of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

- 1. Enter the unentered amendment previously filed on June 25, 2001 under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- 2. A preliminary amendment is enclosed.
- 3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- (a) **DELETE** the following inventor(s) named in the prior non-provisional application:
 - (b) The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- 4. A Power of Attorney is enclosed.
- 5. A Supplemental Information Disclosure Statement (IDS) is enclosed.
 - (a) PTO-1449.
 - (b) Copies of IDS citations not previously submitted.
- 6. Please charge all fees related to this filing to Howrey Simon Arnold & White Deposit Account No. 01-2508/11899.0175.DVUS01/WAA. The fee is calculated below.

FEE SHEET

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$740.00
Total Claims	8- 20 =	0 X	\$18.00	\$0.00
Independent	4- 3 =	1 X	\$84.00	\$84.00
Claims				
Multiple Dependent Claim(s)	-----	0		\$0.00

TOTAL FILING FEES: **\$824.00**

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- 7. Applicant is entitled to Small Entity Status for this application.
 - (a) A small entity statement is enclosed.
 - (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
 - (c) Small entity status is no longer claimed.
- 8. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Deposit Account No. 01-2508/11899.0175.DVUS01.
- 9. The Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53.
- 10. Priority of application Serial No. _____ filed on _____ in the country of _____ is claimed under 35 U.S.C. § 119.
- 11. Address all future communications to:

Janelle Waack
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057
(713) 787-1400
- 12. Other: _____.
- 13. Return Receipt Postcard.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file jacket of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file jacket, the

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Patent and Trademark Office may provide similar information or access to all the other applications in the same file jacket.

Respectfully submitted,



Janelle Waack
Reg. No. 36,300

Attorney for Assignee

HOWREY SIMON ARNOLD
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Houston, Texas 77057
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Date: October 10, 2001

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